

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13290 of Artifex Development Corporation/Metro. Builders,, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.4) to construct a new apartment house which does not share a common division wall with another structure in an R-5-C District at the premises 1313 Vermont Avenue, N.W. (Square 243, Lot 22).

HEARING DATE: September 10, 1980

DECISION DATE: September 10, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of Vermont Avenue approximately one-half block south of Logan Circle. It is known as 1313 Vermont Avenue, N.W. and is in an R-5-C Zone District. The site is adjacent to the Logan Circle historic district. Public alleys border the property to the south and east.

2. The site is 7,252 square feet in area and is currently vacant.

3. To the north of the site, surrounding Logan Circle, is an R-5-B District. To the south, at the intersection of 14th Street, N.W. and Rhode Island Avenue, N.W. is a C-2-B District. Other zone districts within a two-block radius of the subject property are C-M-3 to the west, R-5-D further south on Rhode Island Avenue, N.W. and SP-2 to the south, towards Thomas Circle. The R-5-C District in which the site is located is predominantly developed with row houses of three and four stories.

4. The property has for a number of years been used as a parking lot and is improved with an impervious surface. According to testimony of the applicant and residents of the neighborhood, the site is often used for purposes of prostitution, drug-dealing, auto abandonment and other offensive uses.

5. The applicant proposes to develop the property as a twenty unit condominium apartment building with a central interior court. The building will have three stories plus a basement, with four units in the basement, eight on the first floor and eight two-story units on the second and third floors. There will be ten one-bedroom units, one one-bedroom and den unit and nine two-bedroom units. The project is designed in such a way that, from Vermont Avenue, the building will appear to be a series of four row houses.

6. The applicant and persons in support of the application testified that the project was designed to be in scale and character with other residential buildings in the neighborhood. The Board so finds.

7. The height, bulk and design of the proposed structure is consistent with the height, bulk and design of other structures surrounding the property.

8. Sub-section 3305.4 requires a side yard of 12.25 feet on each side. The applicant proposes to provide no side yards for the building.

9. The applicant testified that the variance from Sub-section 3305.4 was necessary in order to develop a project of low bulk and height and that, without a grant of the variance, the side yard requirement would result in a very tall structure which would be out of character with the neighborhood. The Board so finds.

10. It is not possible to share a common division wall with another building, since there is an alley on the south side, and the dwelling to the north does not abut the lot line.

11. The applicant testified that the subject lot was irregularly shaped and that side yards are not generally provided in this row house neighborhood. The applicant further stated that approximately eighty-five to ninety per cent of the residential structures on the subject block facing Vermont Avenue are built without side yards from lot line to lot line. The Board so finds.

12. Until the mid-1960's, the subject property was improved with five row houses, all of which are constructed from lot line to lot line.

13. The proposed structure will contain approximately 21,700 square feet of gross floor area, approximately 3,680 square feet less than the maximum permitted. The building will also be forty-seven feet under the maximum height allowed in this zone district.

14. The Office of Planning and Development, by report dated August 29, 1980, recommended that the application be approved. The Office of Planning and Development noted that the proposed apartment building was designed to reflect the proportions and fenestration of the row dwellings which line both sides of this section of Vermont Avenue. Although a twenty unit apartment building, the front facade of the building has the appearance of four row dwellings. Each of the front bays is approximately 21.5 feet in width which is reflective of the almost universal lot width of twenty-three feet on the west side of Vermont Avenue and the average twenty-two foot lot width on the east side. The proposed building is also complimentary in height. The existing row dwellings range from approximately thirty

to forty feet in height. The height of the proposed building is thirty-four feet. The proposed apartment building is built lot line to lot line instead of providing side yards of 12.25 feet. The OPD noted that to the south of this lot is a ten foot wide public alley and the structure to the north at 1325 Vermont Avenue is removed ten feet or more with the exception of a one story entrance way which projects into the side yard. The Office of Planning and Development was of the opinion that the lack of side yards in this case will not be injurious to residents of this property or adjacent properties. The required side yards, which would reduce the street frontage of the building by over twenty-four feet, would necessitate a greater overall height in order to achieve the maximum floor area allowed on this site. It was OPD's opinion that the present solution is one which is in keeping with the architectural ambiance of the neighborhood and where the scale is more in harmony with its surroundings than if the building was taller. The Board concurs with the findings and recommendation of the OPD.

15. Advisory Neighborhood Commission 2C, by letter dated July 30, 1980, supported the request for a variance.

16. The Planning and Zoning Committee of the Logan Circle Community Association, by letter dated July 27, 1980, supported the requested variance, on the grounds that the proposed building is compatible in terms of height, massing, materials and articulation of openings to the existing low rise properties in the area, and that the proposed building is preferable to the development which might occur if the side yards were required. The Board agrees.

17. The owner of the property adjacent to the subject site on the north testified in support of the application. The owner stated that, even though her property would theoretically be the property most affected by the proposed condominium project, she felt that a grant of the application would cause no negative impact and that the neighborhood would be benefitted by it.

18. There were many other letters in the record in support of the application, essentially stating the same views as the OPD and other persons in support already noted. There was also testimony in support at the hearing from neighboring residents.

19. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the size and

shape of the property and the lack of common division walls to abut combine to create a practical difficulty for the applicant. The Board is appreciative of the applicant's desire to construct a building consistent in scale and character with its surroundings. In that regard, the Board notes that proposed building is below the permitted floor area ratio and far below the permitted height.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plans as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Theodore F. Mariani, William F. McIntosh, Connie Fortune Leonard L. McCants and Charles R. Norris to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 OCT 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT".

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.